SENATE BILL 3142
By Person

AN ACT to amend Tennessee Code Annotated, Section 40-35-310; Section 40-35-311, Section 40-35-302 and Section 41-21-236, relative to revocation of probation and suspended sentences in misdemeanor cases.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 41-21-236(f)(4), is amended by adding at the end of the existing language the following:

If no percentage is expressed in the judgment, the percentage shall be considered one hundred percent (100%). If a defendant's probation is revoked after he has served the release percentage, the defendant shall serve that portion of the sentence not already served in actual confinement, regardless of the original release percentage, unless otherwise ordered by the court.

SECTION 2. Tennessee Code Annotated, Section 40-35-310, is amended by adding the following at the end of the present language:

Provided further, that in any misdemeanor case involving a defendant who has served the release percentage of his sentence as provided for in Section 41-21-236, any term of imprisonment shall be imposed in accordance with the provisions of that section.

SECTION 3. Tennessee Code Annotated, Section 40-35-311(d), is amended by deleting the language of the subsection in its entirety and substituting the following:

(d) If the trial judge shall find that the defendant has violated the conditions of his probation and suspension by a preponderance of the evidence, the trial judge shall have the right by order duly entered upon the minutes of his court, to revoke the probation and

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suspension of sentence and cause the defendant to commence the execution of the

judgment as originally entered, or otherwise in accordance with Section 40-35-310 or

Section 41-21-236; provided, that in case of such revocation of probation and

suspension, the defendant has the right to appeal.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring

it.

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